

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No.: 3:06CV49**

DORA BROUSSARD, on behalf of herself)
and all others similarly situated)

Plaintiff,)

vs.)

FAMILY DOLLAR STORES, INC., et al.)

Defendants.)

ORDER

THIS MATTER is before the Court with respect to Plaintiff's motion to voluntarily dismiss the above-captioned civil action.

On May 24, 2005, Plaintiff filed her action against Defendants in the United States District Court for the Western District of Louisiana. On February 1, 2006, the Honorable Rebecca F. Doherty entered an Order transferring Plaintiff's action to the United States District Court for the Western District of North Carolina.

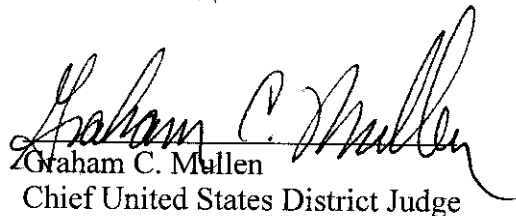
Plaintiff's counsel now has informed the Court that Plaintiff wishes to dismiss this action based on his representation that Plaintiff is unable to financially afford to proceed with the case. This reason is sufficient. Nevertheless, the Court notes that, if the Plaintiff were to re-file her case in another district, it would deprive Defendants of the benefit of the court order transferring the case to this district. *See e.g., RMD Concessions, L.L.C. v. Westfield Corp., Inc.*, 194 F.R.D. 241, 243 (E.D. Va. 2000) (wherein court stated that "one circumstance in which a defendant suffers legal prejudice is where a voluntary

dismissal unravels an earlier legal ruling"). Accordingly, in accordance with Rule 41(a)(2), which allows the Court to impose any terms and conditions necessary to avoid prejudice, the Court will condition the order of dismissal on the requirement that any subsequent suit filed by this Plaintiff be filed in the Western District of North Carolina. This does not preclude Plaintiff from opting in to a collective action filed under Section 216(b) of the FLSA by other plaintiffs or from being a member of a Rule 23 class action filed by other plaintiffs. However, she may not file as a named plaintiff in either type of action.

Accordingly, the Court will **GRANT** Plaintiff's motion to dismiss this action, albeit conditioned on the requirement that any subsequent suit by the Plaintiff be filed in the Western District of North Carolina. Each party shall bears its own costs and fees.

IT IS SO ORDERED.

Signed: July 11, 2006.


Graham C. Mullen
Chief United States District Judge